

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: July 20, 2010

() Consent (X) Regular
() Ordinance () Public Hearing

Department

Submitted By: Environmental Resources Management

Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Management Plan for the Pond Cypress Natural Area.

Summary: The Pond Cypress Natural Area Management Plan (Plan) was developed by the Department of Environmental Resources Management (ERM). The Plan provides guidelines for proposed land management activities and public use facilities development on the Pond Cypress Natural Area. Construction of the proposed public use facilities and the long-term management and maintenance of the site will require future appropriations.

The Plan was recommended for approval by the Natural Areas Management Advisory Committee (NAMAC) on May 21, 2010, after careful consideration of public comments received at a public hearing held on April 27, 2010. As part of its recommendation, NAMAC acknowledged that the site is currently too wet for equestrian use. However, because water levels within the site may change over the next few years, NAMAC requested that the site be re-evaluated for possible equestrian use prior to the construction of the proposed public use facilities.

The Pond Cypress Natural Area is comprised of approximately 1,736.58 acres. The southern 1,192.25 acres, including 600.04 acres donated to the County by Fox Property Venture, were acquired by the County in 1994. Acquisition funds were provided from the County bond issue referendum of March 12, 1991. The northern 544.33 acres were acquired in 2006 as part of a real property exchange agreement with Minto Communities, Inc. The County expects to obtain another 80.1 acres of land within the now obsolete State Road 7 range-line alignment immediately east of the current natural area once the right of way has been released by the State. These lands will be managed by the County as part of the Pond Cypress Natural Area. The County expects to obtain a license and right of entry in, upon, and over approximately 60.5 acres of land located just west of the western perimeter berm surrounding the City of West Palm Beach's (City) Water Catchment Area as part of an Interlocal Agreement with the City. This site will be managed by ERM as part of the County's Natural Areas System, which is currently comprised of 35 sites. District 6 (SF)

(Continued on Page 3)

Attachments:

1. Management Plan > 50 pages: Available for Review at County Administration

Recommended by:

Richard E. Wolinsky
Department Director

6/22/10
Date

Approved by:

[Signature]
County Administrator

7/6/10
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures					
Operating Costs	<u>\$298,714</u>	<u>\$313,650</u>	<u>\$329,332</u>	<u>\$345,799</u>	<u>\$363,089</u>
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	<u>\$298,714</u>	<u>\$313,650</u>	<u>\$329,332</u>	<u>\$345,799</u>	<u>\$363,089</u>
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget?

Yes X No

Budget Account No.: Fund 1226 Department 380 Unit 3162 Object Var Program

B. Recommended Sources of Funds/Summary of Fiscal Impact

The fiscal impacts shown above include only necessary site management and maintenance costs and do not include the construction or maintenance of any public use facilities. ERM currently has insufficient funding to pay all of the management and maintenance costs identified above. Once existing funds have been expended, future scheduled management and maintenance activities will be subject to annual appropriations.

ERM also lacks the estimated \$654,427 needed to construct the public use facilities contemplated in this management plan. Therefore, their construction is contingent upon a future appropriation by the Board and/or receipt of a grant(s). Once the public use facilities are constructed, the cost to maintain, repair and ultimately replace those structures will increase the annual operating costs of the site by approximately \$10,000. Over the past five years, capital and maintenance costs for County owned/managed natural areas have increased an average of 5% per year. Actual costs for FY 2010 and beyond may be higher or lower than projected.

C. Department Fiscal Review:



III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Administrator Comments:

 6/30/10
OFMB
6/28/10
 6/30/10
Contract Administrator

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

Department Director

(Continued from page 1):

Background and Policy Issues: In November 1994, the BCC created NAMAC to review staff-developed natural area management plans and to conduct public hearings on the plans prior to presentation to the BCC. This plan was recommended for approval by NAMAC on May 21, 2010.

With the approval of this management plan, 20 of the County's 35 natural areas will have approved management plans. The primary objectives for the management of this site are to ensure the preservation and restoration of important remnants of mesic flatwoods, wet flatwoods, wet prairie, dome swamp, depression marsh, prairie hammock and strand swamp vegetation communities; the wildlife populations associated with these native habitats; and the rare and/or endemic plant and animal species on the site. Seventeen plant and eighteen animal species observed on the Pond Cypress Natural Area have been listed as endangered, threatened, or as a species of special concern by at least one government agency or nonprofit environmental organization. A portion of the natural area is mitigation for wetland impacts resulting from the construction of the first phase of Western Parkway. Additional objectives are to provide for passive recreation, environmental education, and scientific research opportunities consistent with protecting the natural resources of the Pond Cypress Natural Area.

On September 13, 2005, the BCC expressed a desire to place conservation easements on all County natural areas as a means of providing the natural areas with a level of protection that would not be affected by retirement of County or State conservation bonds. The Board approved the placement of a conservation easement over the entire Pond Cypress Natural Area as part of the Environmental Resource Permitting process on September 9, 2008 (R-2008-1506). The entire natural area is also afforded some protection by the Palm Beach County Conservation Lands Protection Ordinance No. 2003-052, which requires a super-majority vote by the BCC to conceptually approve conveying an interest in, or allowing uses on conservation lands that were not contemplated by the bond referenda approved in 1991 and 1999.

No equestrian access to the natural area is provided at this time because the site is currently considered too wet for equestrian use. The northern portion of the Pond Cypress Natural Area – about 1/3 of the site – also serves as mitigation for the construction of Western Parkway and very specific success criteria must be met in order to meet regulatory requirements for the road. As the entire natural area undergoes restoration associated with this mitigation effort and with normal natural areas management practices, it is expected that water levels within the site will become more stable. Management activities proposed for this site are intended to create longer, more stable hydroperiods which mimic the conditions that were present when the site was part of the greater Loxahatchee Slough. It is expected that water levels within the site will be slightly lower during the wet season (slightly less flooded), and somewhat higher during the dry season (wetter). In addition, the extension (and widening) of Western Parkway northward to 60th Street, and the proposed construction of the SR 7 extension from the northern end of Western Parkway to Northlake Boulevard will greatly restrict access to the natural area. Because the future “normal” hydrologic conditions are unknown at this time, NAMAC has recommended that the site be re-evaluated for equestrian access prior to the construction of the public use facilities contemplated in this management plan.